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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,944	01/10/2006	Reinhard Hering	2002P01302WOUS	1099

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EXAMINER

ZETTL, MARY E

ART UNIT	PAPER NUMBER
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2875

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/539,944	Applicant(s) HERING ET AL.	
	Examiner MARY ZETTL	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/17/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “form-locking connections” taught in claim 4 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 6 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Cracraft et al. (US 5,698,826 A).

Regarding claim 6, the recitation "A display device for household devices" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Further regarding claim 6, Cracraft et al. a discloses a housing (11) for receiving a plurality of light-emitting elements (35, 36), the housing being at least partially covered by a film-type, partially translucent means (14) having a plurality of specific regions (one of the optional switch pads; col. 4, lines 60-63) and the light-emitting elements (36) being arranged in the housing (11) such that, during light emission, each light- emitting element only radiates through one of the specific regions of the translucent means (col. 4, lines 60-63); and a pushbutton (optional switch pad; col. 4, lines 60-63) associated

with each of the specified regions (Figure 1) for activating a corresponding one of the light-emitting elements (col. 4, lines 60-63).

Regarding claim 9, Cracraft et al. discloses the film-type partially translucent means (14) being embodied as one piece (Figure 1) and can be connected to the housing by means of form locking connections (col. 5, lines 20-38).

Regarding claim 10, Cracraft et al. discloses the film-like partially translucent means being comprised of plastic and the specific regions of the translucent means being accentuated with color (red diffusing tints, item 58, Figure 5; col. 4, lines 5-6).

Regarding claim 11, the recitation "A display device for household devices" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Further regarding claim 11, Cracraft et al. discloses a housing (11) for receiving a plurality of light-emitting elements (35, 36), the housing being at least partially covered by a film-type, partially translucent means (14) having a plurality of specific regions (one of the optional switch pads; col. 4, lines 60-63) and the light-emitting elements (36)

being arranged in the housing (11) such that, during light emission, each light- emitting element only radiates through one of the specific regions of the translucent means (col. 4, lines 60-63); and actuation means (optional switch pad; col. 4, lines 60-63) associated with each of the specified regions (Figure 1) for activating a corresponding one of the light-emitting elements (col. 4, lines 60-63).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cracraft et al. (US 5,698,826 A) in view of Arterberry et al. (US 6,111,207 A).

Regarding claim 7, Cracraft et al. teaches the use of box-like recesses (for example see box like recess formed by 18 in Figure 4) in which the LEDs are arranged.

Cracraft et al. does not disclose expressly the housing comprising a thermoplastic material.

Arterberry et al. teaches a display device including a housing (150 being part of the housing; Figure 1) made of a thermoplastic material (col. 6, lines 42-44).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Cracraft et al. such that the housing was made of a thermoplastic material as taught by Arterberry et al. since it is

well known that thermoplastic materials are relatively inexpensive and are easily manufactured into the desired shapes.

Regarding claim 8, Cracraft et al. teaches the light emitting elements (35, 36) being arranged in a box-like recess such that the region covering the box-like recess is completely illuminated (see Figure 4).

Arterberry et al. also teaches the light emitting elements (92 and 192) being arranged in a box-like recess (formed in part by 60 and 150) such that the region covering the box-like recess is completely illuminated (see Figure 6).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Huizenga (US 6,854,870 B2) teaches a housing (10) for receiving a plurality of light-emitting elements (26; col. 6, lines 65-end), the housing being at least partially covered by a film-type, partially translucent means (keys being backlight which means keys must be partially translucent to light) having a plurality of specific regions (with different indica as shown in Figure 1) and the light-emitting elements being arranged in the housing (10 as shown in Figure 5); and a pushbutton (24) associated with each of the specified regions (Figure 1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Zettl whose telephone number is 571-272-6007.

The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MZ
/Sharon E. Payne/
Primary Examiner, Art Unit 2875